

ESTTA Tracking number: **ESTTA763750**

Filing date: **08/10/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Cross-Curricular Connections, Inc
Granted to Date of previous extension	08/10/2016
Address	14609 Snapdragon Circl North Potomac, MD 20878 UNITED STATES
Attorney information	Nancy Rubner Frandsen Baker & Hostetler LLP 2929 Arch StreetCira Centre 12th Floor Philadelphia, PA 19104 UNITED STATES nfrandsen@bakerlaw.com Phone:215-564-1223

### Applicant Information

Application No	86779940	Publication date	04/12/2016
Opposition Filing Date	08/10/2016	Opposition Period Ends	08/10/2016
Applicant	CALEB M. SCHUTZ 17087 BOLD VENTURE DRIVE LEESBURG, VA 20176 UNITED STATES		

### Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Provision of curation systems, comprising software to allow users to search, locate, and obtain content, data, text, audio, graphics, still images, and video via the world wide web

### Grounds for Opposition

Applicant not rightful owner of mark for identified goods or services	Trademark Act Section 1
Fraud on the USPTO	In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Attachments	Suration - Notice of Opposition.pdf(28760 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Nancy Rubner Frandsen/
Name	Nancy Rubner Frandsen
Date	08/10/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No.  
86779940: SURATION

Published in the Official Gazette of April  
12, 2016, in International Class 9

<b>Cross-Curricular Connections, Inc,</b>	)	
	)	
<b>Opposer,</b>	)	
	)	
v.	)	<b>Opposition No.</b>
	)	
<b>Caleb M. Schutz,</b>	)	
<b>Applicant.</b>	)	

**NOTICE OF OPPOSITION**

Opposer, Cross-Curricular Connections, Inc., an Illinois S Corporation, having a place of business at 14609 Snapdragon Circle, North Potomac, MD 20878, believes that it will be damaged by the registration of the mark shown in Application Serial No. 86779940 and opposes the same.

The grounds for opposition are as follows:

1. Opposer offers a broad range of education and education technology services to its clients, including but not limited to, instructional design, content development, interactive programming, and project management.
2. Upon information and belief, Applicant, Caleb M. Schutz, is an individual, residing at 17087 Bold Venture Drive, Leesburg, VA 20176.
3. At least as early as 2014, Opposer and Applicant entered into an agreement to form a limited liability company, known as Suration, LLC.
4. Opposer and Applicant were each to be members of Suration, LLC.

5. Upon information and belief, Suration, LLC was formed for the object and purpose of developing a proprietary software process for aggregating internet based resources onto a single platform to yield targeted high quality searches initially focused on education resources (K-12), such proprietary software and services to be marketed, rendered and/or sold under the mark SURATION (hereinafter “Mark”) and then to market and exploit such software and services through the sale and/or licensing of products to access such platform.
6. In his trademark application, Applicant’s attorney of record declared, under penalty of perjury, that no other persons have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
7. At the time of his filing, Applicant clearly knew that the Mark was to be used by Suration, LLC of which Opposer was to be a member.
8. On information and belief, at the time of his filing of the trademark application, Applicant knew that Opposer, through its membership in Suration, LLC had intended to use the Mark.
9. On information and belief, Applicant misrepresented his rights to the Mark at the time he submitted his Application and continued to prosecute the trademark application leading to the publishing of the application which is the subject of this Notice of Opposition.
10. On information and belief, the aforementioned false statements were made with the intent to induce authorized agents of the USPTO to allow said application, and reasonably

relying on the truth of said false statements, the USPTO did, in fact, allow Applicant's application.

11. Opposer believes that it has been and will continue to be damaged by Applicant's registration of the Mark.
12. In view of the above-listed statements, Application is not entitled to registration of No. 86779940 because Applicant, upon information and belief, committed fraud in the procurement of the subject application, and therefore cannot lawfully use the Mark.

WHEREFORE, Opposer respectfully prays that this opposition be sustained; that Application Serial No. 86779940 be rejected; and that no registration be issued to Applicant.

Opposer, Cross-Curricular Connections, Inc., hereby appoints the law firm of Baker & Hostetler, LLP to act as its attorneys in this matter, with full power to prosecute this opposition proceeding, to transact all relevant business with the United States Patent and Trademark Office and in the United States courts, and to receive all official communications. As noted in the electronic filing to which the document is attached, the undersigned has authorized payment by deposit account of the filing fee of \$300.00 for opposing an application in one class in accordance with 37 C.F.R. §2.6(a)(17).

Respectfully submitted,

BAKER & HOSTETLER, LLP

By: 

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Attorneys for Cross-Curricular Connections, Inc.

**Certificate of Service**

This is to certify that this Notice of Opposition has been served by U.S. Mail on the date below to counsel for Applicant:

Jonathan M. Feldman, Magasinn & Feldman, 4640 Admiralty Way, Ste 402, Marina Del Rey, CA 90292-6617

Date: August 10, 2016



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